

In re Application of: Cannavo et al.
Attorney Docket No.: IFK-002.01

REMARKS

This Response is filed in reply to the Office Action dated April 5, 2004. In this Response, Applicants cancel claims 1 and 13, add new claims 17 and 18, amend claims 2-10, 12, and 14-16, and traverse the Examiner's rejection of claims 1-16. Amendments to the claims are not an acquiescence to any of the rejections. Further, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends. Upon entry of the amendments, claims 2-12, 14-18 are pending in the present application.

The issues of the Office Action are presented below with reference to the Office Action.

With regard to the paragraphs 1.1-1.2, entitled "Drawings":

In accordance with the Examiner's request, Figures 1-2 and 5-6 are amended to add descriptions and legends to better identify the parts and components appearing in the drawings. Additionally, Figure 2 has further been amended to add reference numeral 14 to identify "server system 14" in the figure. Transmitted herewith are the replacement drawing sheets containing amended Figures 1-6.

With regard to the paragraphs 2-6, entitled "Claim Rejections - 35 U.S.C. §102", and "Claim Rejections - 35 U.S.C. §103":

Examiner rejected claims 1-7, 10, 12, 13 and 16 under 35 U.S.C. §102(b) as being anticipated by Astarabadi (U.S. Patent No. 5,822,405), and rejected claims 8, 9, and 11 under 35

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U.S.C. 103(a) over Astarabadi in view of Dunn et al. (U.S. Patent No. 5,651,054), Srinivasan (U.S. Patent No. 6,072,862), and Adler et al. (U.S. Patent No. 5,367,561), respectively. The Examiner further rejected claims 1 and 13-15 under 35 U.S.C. §102(e) as being anticipated by Dans (U.S. Patent No. 6,195,417).

Applicants cancel independent claim 1 and add new independent method claim 17 which more explicitly states the inherent features previously disclosed in canceled independent claim 1. New independent claim 17 also describes more explicitly the feature of performing a user specified action associated with a Natural Language Understanding (NLU) rule, where words identified from a verbal communication sent from the VCS account are applied to the NLU rule(s). Support for such features may be found, for example, on pages 29-30 of the originally filed application. Similarly, Applicants cancel independent system claim 13, and add new independent claim 18. Independent system claim 18 is a companion system claim of independent method claim 17, and thus discloses similar features to those described in Applicants' independent claim 17. Dependent claim 6 has been amended to identify the correct dependency of the claim on independent claim 17, and to clearly state the inherent feature that one user-specified action that may be performed is that of receiving a subsequent verbal communication containing information from the VCS account. Dependent claims 2-5, 7-10, 12, and 14-16 have been amended to more clearly state the disclosed features, and to identify the correct claim dependency of those claims.

Applicants' new independent claim 17 thus discloses a method for interacting and receiving data from at least one Voice-Based Communications System (VCS) account, the method comprising: accessing the at least one VCS account, receiving at least one verbal communication from the VCS account, *using an Automatic Speech Recognition (ASR) application to identify words included in the at least one verbal communication, applying the identified words to at least one Natural Language Understanding (NLU) rule, and, based on a result from said NLU rule, performing at least one user-specified action.*

As Examiner knows, and as provided in MPEP 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" [emphasis added] (*Verdegaal Bros. v. Union Oil Co. of California*, 2

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USPQ2d 1051, 1053). Applicants respectfully submit that neither Astarabadi, nor Dans, disclose all the features of Applicants' independent claim 17.

Astarabadi discloses a method and devices for automatically retrieving voice mail from a PBX-based voice mail system or from a telephone answering machine (see abstract). The Astarabadi devices identify announcements sent by the external voice-mail systems by comparing the received announcements with sample announcements created and stored on the devices during a training phase (col. 3, lines 9-13, and col. 15, lines 20-25). Based on the fixed comparisons, the Astarabadi devices interact with the external voice-mail systems using actions specific to and dictated by (e.g., scripted) the external voice-mail systems (e.g., see Col. 3, lines 5-7, "During a training phase, ... a script of normal interaction with the voicemail system is created..."). In contrast to Applicants' independent claim 17, Astarabadi's teachings that are constrained to scripted interactions with the external voice-mail systems, do not disclose *using an Automatic Speech Recognition (ASR) application to identify words included in said at least one verbal communication, applying the identified words to at least one Natural Language Understanding (NLU) rule, and, based on a result from said NLU rule, performing at least one user-specified action*. One of ordinary skill understands that NLU rules are not the same of Astarabadi's scripted interactions, as NLU rules are inherently non-scripted. Astarabadi's limited teachings to facilitate device-specific scripted interactions thus cannot be the same as Applicants' claimed user-specified actions. Further, as provided herein, Astarabadi does not teach Applicants' claimed *using an Automatic Speech Recognition (ASR) application to identify words included in said at least one verbal communication, applying the identified words to at least one Natural Language Understanding (NLU) rule, and, based on a result from said NLU rule, performing at least one user-specified action*.

Dans also describes an automated system that employs scripted interactions with speech-based information systems (such as those used by banks) to retrieve information. Although Dans describes that the system employs a speech recognition engine to match announcements made by the external speech-based information system to messages stored in a context database (col. 10, lines 56-67), Dans does not describe *applying the identified words to at least one Natural Language Understanding (NLU) rule, and, based on a result from said NLU rule, performing at least one user-specified action*, as provided in Applicant's independent claim 17. Rather, much

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like Astarabadi, Dans' speech recognition engine is based on a direct and/or fixed comparison of announcements received from the external speech-based system in an attempt to match the received announcement to a finite repertoire of known messages stored in a database. Like Astarabadi, but unlike Applicants' independent claim 17, Dans is limited to fixed comparisons solely to facilitate scripted interactions with the external voice mail systems (col. 11, lines 1-36). Dans, like Astarabadi, and unlike Applicants' independent claim 17, is constrained to provide scripted responses as required by the external voice mail systems. Thus, unlike Applicants' independent claim 17, Dans does not disclose or contemplate Applicants' claimed *applying the identified words to at least one Natural Language Understanding (NLU) rule, and, based on a result from said NLU rule, performing at least one user-specified action*.

Since neither Astarabadi, nor Dans, alone or in combination, teach Applicants' independent claim 17 features of *applying the identified words to at least one Natural Language Understanding (NLU) rule, and, based on a result from said NLU rule, performing at least one user-specified action*, Applicants traverse the Examiner's 35 U.S.C. §102(b) and §102(e) rejections of independent claim 17, and consider independent claim 17 to be allowable. Applicants also traverse the Examiner's rejections of dependent claims 2-12, and consider claims 2-12 allowable for depending from an allowable base claim.

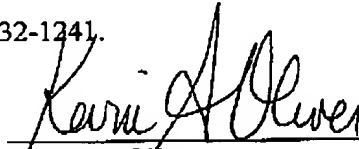
Independent system claim 18, which is a companion system claim to allowable independent method claim 17, discloses features similar to those disclosed in Applicants' allowable independent claim 17. For the reasons stated previously with respect to Applicants' allowable independent claim 17, Applicants traverse Examiner's rejection of independent claim 18 and consider independent claim 18 to be allowable. Since claims 14-16 depend from allowable independent claim 18, Applicants traverse the Examiner's rejections of such dependent claims, and consider claims 14-16 to also be allowable as depending from an allowable base claim.

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CONCLUSION

In view of the foregoing remarks, Applicants submits that the response herein is fully responsive to the subject Office Action, and that the pending claims are patentable over the cited prior art. Accordingly, Applicants submit that the claims are now in condition for allowance. Withdrawal of the pending rejections, and favorable reconsideration are respectfully solicited. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.

Date:

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